

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:18-00243

KIMBERLY ADDAIR

FIRST SUPPLEMENTAL DISCOVERY AND
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case, the United States of America, by counsel, herewith supplements its response to defendants' Standard Discovery Requests as follows:

Request E: Permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, building or places, or copies or portions of any of those items, if the item is within the government's possession, custody or control, and (i) the item is material to preparing the defense; (ii) the government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to defendant. [Fed. R. Crim. P. 16(a)(1)(E)]

Response: Provided within this discovery response, please find:

1. A copy of documents detailing the location information of cell site data provided by T-Mobile for cellular phone ending in 5212; and
2. A still photo taken from video surveillance of one the licensed FFL Dealers.

Request M: Provide notice to defendant of the government's intention to use evidence pursuant to Rule 12(b)(4)(B) of the Federal Rules of Criminal Procedure.

Response: The United States reserves the right to use all information and evidence disclosed herein or made available for inspection and copying pursuant to this Response and such information and evidence which may be discovered and finally provided to defendant.

Any discovery provided that is not mandated by Court order, the Federal Rules of Criminal Procedure, federal statute or federal case law, is provided voluntarily as a matter of discretion solely to expedite and facilitate litigation of this case.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant provide all applicable reciprocal discovery within 14 days of the service of this response and the provision of materials requested by defendant in the Standard Discovery Request.

Respectfully submitted,

MICHAEL B. STUART
United States Attorney

By:

/s/ _Timothy D. Boggess, AUSA_
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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "FIRST SUPPLEMENTAL DISCOVERY AND REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing and via U.S. Mail, this 6th day of December, 2018, to:

Lorena E. Litten, AFPD
Federal Public Defender's Office
300 Virginia Street, East
Room 3400
Charleston, WV 25301

/s/ _Timothy D. Boggess, AUSA_
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